

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Essie Charleitta Herring

Docket No. 5:12-CR-161-1H

Petition for Action on Supervised Release

COMES NOW Erica W. Foy, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Essie Charleitta Herring, who, upon an earlier plea of guilty to Unauthorized Use of Access Device, 18 U.S.C. §§ 1029(a)(2) & 2, was sentenced by the Honorable Henry Coke Morgan, Jr., U.S. District Judge for the Eastern District of Virginia, on September 1, 1998, to the custody of the Bureau of Prisons for a term of 8 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall be required to take action to obtain Court Ordered child support from the fathers of her dependant children.
3. The defendant shall be prohibited from being employed in any situation where she will have access to money unless and until the Probation Officer confers with employer regarding defendant's past record.

Essie Charleitta Herring was released from custody on January 22, 2002, after serving a concurrent state sentence. The defendant did not contact the probation office in the Eastern District of Virginia upon her release and subsequently a warrant for her arrest was issued. On June 7, 2011, the defendant admitted to the violations and was found in violation of her supervised release. The court ordered her to time served and 30 months of supervised release, under the conditions originally imposed for the term of supervised release from which she absconded. The court further ordered:

1. The defendant shall report to the U.S. Probation Office in Norfolk following the resolution of her Virginia Beach charges. If any time is served, the defendant shall report to the U.S. Probation Office, Norfolk Office, following release from Virginia Beach.

On March 27, 2012, jurisdiction was transferred to the Eastern District of North Carolina.

Essie Charleitta Herring
Docket No. 5:12-CR-161-1H
Petition For Action
Page 2

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

On October 28, 2012, the defendant was charged in Wake County, North Carolina, with Driving While Impaired and Driving While License Revoked. The charges are pending in Wake County District Court. Ms. Herring admitted to driving after consuming alcohol and advised she did not know her driver's license had been suspended. She has rectified her driving privilege with the North Carolina Department of Motor Vehicles and now has a limited privilege to drive to and from work.

On December 21, 2012, she tested positive for cocaine and subsequently admitted to using the substance a few days before. She admits that she is making poor decisions and has requested mental health treatment to help her deal with personal and family issues. She will also be referred for substance abuse treatment. We would, therefore, recommend that she perform 24 hours of community service and participate in treatment. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
2. The defendant shall participate in a program of mental health treatment, as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

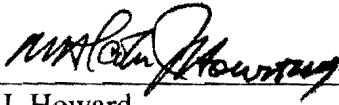
/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Erica W. Foy
Erica W. Foy
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: December 27, 2012

Essie Charleitta Herring
Docket No. 5:12-CR-161-1H
Petition For Action
Page 3

ORDER OF COURT

Considered and ordered this 2nd day of January, 2012, and ordered filed and made a part of the records in the above case.

A handwritten signature in black ink, appearing to read "Malcolm J. Howard", written over a horizontal line.

Malcolm J. Howard
Senior U.S. District Judge